

Remarks:

1. Summary of the Rejections in the Office Action of March 26, 2004

At page 2, paragraph 3 of the Office Action, the Examiner rejects claims 1-4, 8, 9, 11, 13-15, 18 and 19 under 35 U.S.C. § 103(a), as allegedly being obvious in view of U.S. Patent No. 6,272,556 B1 to Gish and U.S. Patent No. 6,324,578 B1 to Cox et al. ("Cox"). At page 11, paragraph 14 of the Office Action, the Examiner also rejects claims 5-7, 10, 12, 16, and 17 under 35 U.S.C. § 103(a), as allegedly being obvious in view of Gish, Cox, and U.S. Patent No. 6,026,437 to Muschett et al. ("Muschett"). The Applicant has canceled claims 2, 3, 6-13, 15, 17, 19, and 20, without prejudice to the subject matter claimed therein. Therefore, the obviousness rejections of claims 2, 3, 6-13, 15, 17, 19, and 20 are rendered moot. Moreover, the Applicant TRAVERSES the remaining obviousness rejections, as follows.

2. 35 U.S.C. § 103(a) Rejections

At page 2, paragraph 3 of the Office Action, the Examiner rejects claims 1, 4, 14, and 18 under 35 U.S.C. § 103(a), as allegedly being obvious in view of Gish and Cox, and at page 11, paragraph 14 of the Office Action, the Examiner rejects claims 5, 10, and 16 under 35 U.S.C. § 103(a), as allegedly being obvious in view of Gish, Cox, and Muschett.

The Applicant respectfully TRAVERSES the Examiner's obviousness rejections and asserts the following remarks in response:

In order for the Examiner to establish a prima facie case for obviousness, three (3) criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as the Examiner proposes. Second, there must be a reasonable expectation of success in connection with the Examiner's proposed combination of the references. And third, the prior art references must disclose or suggest all of the claim limitations. MPEP 2143 (emphasis added). The Applicant maintains that the Examiner fails to establish a prima facie case for obviousness because the Examiner fails to satisfy his burden of showing that the prior art discloses or suggests all of the claimed limitations of claims 1, 4, 5, 14, 16, and 18.

The Applicant's independent claim 1 describes a system "comprising a first server configured to be accessed via an electronic data network and to store and serve a **first version of at least one first software package** via said electronic data network, wherein said first version of said at least one first software package corresponds to at least one software system of said first server; a second server configured to be accessed via said electronic data network and to store and serve a **second version of said at least one first software package** via said electronic data network, wherein said second version of said at least one first software package is different than said first version of said at least one first software package and corresponds to at least one software system of said second server; and a client administrator configured to access each of said first server and said second server, to receive each of said first version of said at least one first software package and said second version of said at least one first software package, and to execute each of said first version of said at least one first software package and said second version of said

at least one first software package, **the execution of said first version of said at least one first software package allowing said first server to be administered by said client administrator via said electronic data network, and the execution of said second version of said at least one first software package allowing said second server to be administered by said client administrator via said electronic data network.** The Applicants independent claim 14 includes method limitations which are similar to the above-described system limitations of independent claim 1.

At page 3, paragraph 4 of the Office Action, the Examiner acknowledges that Gish does not disclose or suggest “means wherein the client is an administrator and the execution of the at least one first software package allows the server to be administered by the client administrator.” However, at page 3, paragraph 4 of the Office Action, the Examiner alleges that Cox discloses or suggests these missing elements, and that it would have been obvious to those of ordinary skill in the art at the time of the invention to modify Gish to include these missing elements. The Applicant maintains that neither Gish, Cox, nor Muschett discloses or suggests that the execution of the first version of the software package allows the first server to be administered by the client administrator, and the execution of the second version of the software package allows the second server to be administered by the client administrator, as set forth in independent claim 1.

In contrast, Cox discloses that servers 22 and 22' each may store a configurable application program. An administrator may select administrator only settable preferences associated with the application program, and an authorized user may select user parameters associated with the application program. See, e.g., Cox,

Column 3, Lines 50-68. Nevertheless, Cox does not disclose or suggest that servers 22 and 22' store different versions of the application program, and that the execution of a first version of the application program allows server 22 to be administered by a client administrator, and the execution of a second version of the application program allows server 22' to be administered by the client administrator. Therefore, the Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claims 1 and 14, and allow the same to issue in a U.S. patent.

Claims 4, 5, 16, and 18 depend from independent claims 1 and 14, respectively. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious." MPEP 2143.03 (citations omitted). Therefore, the Applicant respectfully requests that the Examiner also withdraw the obviousness rejections of claims 1, 4, 5, 14, 16, and 18, and allow the same to issue in a U.S. patent.

CONCLUSION

The Applicant respectfully submits that the above-titled patent application is in condition for allowance, and such action is earnestly requested. If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will in any way expedite the examination of the above-titled patent application, the Examiner is invited to contact the undersigned attorney of record. The Applicant is including a petition for a three-month extension of time, and a check in the amount of \$950 covering the requisite large entity fee for such an extension of time, with this paper. A grant of that petition is earnestly solicited. Moreover, in the event of any variance between the fees determined the Applicant and those determined by the U.S. Patent and Trademark Office, please charge any such variance to the undersigned's Deposit Account No. 01-2300.

Respectfully submitted,

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